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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,103	11/18/2003	Mamoru Watanabe	S004-5149	6115
7590 07/28/2005			EXAMINER	
ADAMS & WILKS			HINZE, LEO T	
31st Floor			ART UNIT	
50 Broadway			2854	
New York, NY 10004			PAPER NUMBER	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,103

Applicant(s)

WATANABE ET AL.

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20050520</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2854

DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities: Claim 17 recites the limitation "the spring portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.
2. Applicant is advised that should claims 3 and 4 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 and 4, it is not clear how the second setting portion of the date indicator setting portion of the date indicator jumper can have two different ranges of angular

Art Unit: 2854

rotation. To expedite prosecution, the examiner will not consider the conflicting angular limitations.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admission, as published as Watanabe et al., US 2004/0130970 A1 (Watanabe).

a. Regarding claim 13, applicant's admission teaches a calendar timepiece comprising: a main plate (902, Fig. 24); a time indicator mounted on the main plate for undergoing rotational movement to indicate time information ("timepiece", p. 1, ¶. 5, generally indicates a time indicator); a date indicator (920, Fig. 24) mounted for undergoing rotation to indicate date information, the date indicator having an inner teeth portion (920a, Fig. 24) comprised of a plurality of teeth; a date indicator driving wheel (906, Fig. 24) mounted on the main plate for undergoing rotation; a date indicator driving finger (930, Fig. 24) integral with the date indicator driving wheel for rotation therewith for rotationally driving the date indicator; and a date jumper (940, Fig. 24) disposed on the main plate and having a train wheel (906, Fig. 24) comprised of a date indicator setting portion (942, Fig. 24) for controlling rotation of the date indicator by engagement with the inner teeth portion of the date indicator, the date indicator setting portion

Art Unit: 2854

having a first setting portion for contacting a tip of a first tooth of the inner teeth portion of the date indicator, a second setting portion, and a third setting portion for contacting a tip of a second tooth of the inner teeth portion of the date indicator. In Fig. 29, it appears that there are three portions to the date indicator, a portion being defined as an often limited part abstracted from a whole.

b. Regarding claim 14, applicant's admission also teaches wherein the inner teeth portion of the date indicator comprises thirty-one teeth ("includes 31 pieces of trapezoidal teeth, p. 1, ¶. 17).

c. Regarding claim 15, applicant's admission also teaches wherein each tooth of the inner teeth portion of the date indicator is generally triangular-shaped. The teeth on portion 920a look generally like triangles with their tops cut off.

d. Regarding claim 16, applicant's admission also teaches wherein the tip of each of the first tooth and the second tooth of the inner teeth portion of the date indicator has a portion shaped in the form of a circular arc (teeth in Fig. 29 appear to have rounded corners) with which the first setting portion and the third setting portion are respectively brought into contact when the date indicator setting portion controls the rotation of the date indicator (in Fig. 29, first setting portions and third setting portions appear to touch first and second teeth, respectively).

e. Regarding claim 17, applicant's admission also teaches wherein the spring portion (932, Fig. 29) of the date indicator driving finger is shaped in the form of a circular arc (p. 1, ¶. 15).

f. Regarding claim 18, applicant's admission also teaches each tooth of the inner teeth portion of the date indicator has a portion shaped in the form of a circular arc (teeth in Fig. 29 appear to have rounded corners).

Art Unit: 2854

- g. Regarding claim 19, applicant's admission also teaches wherein the a date indicator driving finger has a central portion (931, Fig. 29) integral with the date indicator driving wheel, a spring portion (932, Fig. 29) extending from the central portion, and a date indicator feeding portion (933, Fig. 29) disposed at a front end of the spring portion for rotating the date indicator.
- h. Regarding claim 20, applicant's admission also teaches wherein the spring portion (932, Fig. 29) of the date indicator driving finger is shaped in the form of a circular arc (p. 1, ¶. 15).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2854

9. Claims 1-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission in view of Takahashi et al., US 5,903,519 (Takahashi).

a. Regarding claim 1:

Applicant's admission teaches a calendar timepiece comprising: a main plate (902, Fig. 24); a time indicator ("timepiece", p. 1, ¶. 5, generally indicates a time indicator) mounted on the main plate for undergoing rotational movement to indicate time information; a correcting apparatus (910, Fig. 24) for correcting the time information; a dial ("dial side", p. 1, ¶. 12) for displaying the time information; a date indicator (920, Fig. 24) mounted on the main plate for undergoing rotation to indicate date information, the date indicator having an inner teeth portion (920a, Fig. 24) comprised of a plurality of teeth; a date indicator driving wheel (906, Fig. 24) mounted on the main plate to undergo rotation for rotating the date indicator; a date indicator driving finger (930, Fig. 29) integrally connected to the date indicator driving wheel for rotation therewith, the date indicator driving finger having a central portion integral (931, Fig. 29) with the date indicator driving wheel, a spring portion (932, Fig. 29) extending from the central portion, and a date indicator feeding portion (933, Fig. 29) disposed at a front end of the spring portion for rotating the date indicator; and a date jumper (940, Fig. 29) disposed on a side of the main plate and having a train wheel comprised of a date indicator setting portion for controlling rotation of the date indicator by engagement with the inner teeth portion of the date indicator, the date indicator setting portion having a first setting portion, a second setting portion being disposed between the first setting portion and the third setting portion so that when the date indicator setting portion controls the rotation of the date indicator, the first setting portion is

Art Unit: 2854

brought into contact with a tip of a first tooth of the inner teeth portion of the date indicator and the third setting portion is brought into contact with a tip of a second tooth of the inner teeth portion of the date indicator contiguous with the first tooth. In Fig. 29, it appears that there are three portions to the date indicator, a portion being defined as an often limited part abstracted from a whole, and the first portion is touching one tooth and the third portion is touching another tooth and the second portion is between the first and third portion. Applicant's admission is silent as to the exact composition of the time indicator.

Applicant's admission does not teach a minute indicator mounted on the main plate.

Takahashi teaches a calendar watch, including a minute indicator ("minute hand", col. 11, ll. 3-5).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify applicant's admission to include a minute indicator, because Takahashi teaches a calendar watch with a minute indicator, and a person having ordinary skill in the art would recognize that a minute indicator would increase the commercial desirability of a calendar timepiece by allowing a user to track time in minute increments.

b. Regarding claim 11, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claim 1 above. Applicant's admission also teaches wherein the tip of each of the first tooth and the second tooth of the inner teeth portion of the date indicator has a portion shaped in the form of a circular arc (teeth in Fig. 29 appear to have rounded corners) with which the first setting portion and the third setting portion are respectively brought into contact when the date indicator setting portion controls the rotation of the date indicator (in

Art Unit: 2854

Fig. 29, first setting portions and third setting portions appear to touch first and second teeth, respectively).

c. Regarding claim 2, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claim 11 above. Applicant's admission also teaches a calendar corrector setting wheel (914, Fig. 24) mounted on the main plate for undergoing pivotal movement to correct date information indicated by the date indicator.

d. Regarding claims 3 and 4, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claim 11 above. Applicant's admission also teaches wherein the first setting portion and the second setting portion of the date indicator setting portion of the date jumper undergo angular movement at an angle; and wherein the second setting portion and the third setting portion of the date indicator setting portion of the date jumper undergo angular movement at an angle (see difference in angular position of 942 between Figs. 31 and 32).

e. Regarding claims 5-8, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claims 11 and 2-4 respectively, above. Applicant's admission also teaches wherein a first reference line can be defined by a straight line connecting a rotational center of the date indicator and a center of the circular arc of the tooth tip of the first tooth, a second reference line can be defined by a straight line connecting a rotational center of the minute indicator and a center of the circular arc of the tooth tip of the second tooth, T1 can represent an angle formed by the first reference line and the second reference line, T2 can represent an angle formed by a straight line connecting an intersection of the first setting portion

Art Unit: 2854

and the second setting portion and the rotational center of the minute indicator and the first reference line, and $T3$ can represent an angle formed by a straight line connecting an intersection of the second setting portion and the third setting portion and the rotational center of the date indicator and the first reference line; and wherein $(T1-T3)$ can be less than $(T3-T2)$ and $(T3-T2)$ is less than $T2$. Viewing Fig. 24 of applicant's admission, imagine the lines as described emanating from the rotational center of the date indicator and the minute indicator to the first, second, and third setting portions as described in the rejection of claim 1, where the date indicator setting portion is apportioned into first, second and third portions such that the angles $T1$, $T2$ and $T3$ satisfy the conditions of $(T1-T3) < (T3-T2)$ and $(T3-T2) < T2$.

f. Regarding claim 9, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claim 1 above. Applicant's admission also teaches wherein the inner teeth portion of the date indicator comprises thirty-one teeth (p. 1, ¶. 17).

g. Regarding claim 10, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claim 9 above. Applicant's admission also teaches wherein each tooth of the inner teeth portion of the date indicator is generally triangular-shaped (see shape of teeth 920a in Fig. 29, which have a generally triangular shape with the top chopped off).

h. Regarding claim 12, the combination of applicant's admissions and Takahashi teaches all that is claimed in the rejection of claim 1 above. Applicant's admission also teaches wherein the spring portion of the date indicator driving finger is shaped in the form of a circular arc (p. 1, ¶. 15).

Art Unit: 2854

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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